

# Order

Michigan Supreme Court  
Lansing, Michigan

November 2, 2007

Clifford W. Taylor,  
Chief Justice

134801

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

In re ERIC SCOTT ENGLE, ANNA  
MORIAH ENGLE, JOY CHRISTINA  
ENGLE, EMILY MARIE ENGLE,  
CHRISTOPHER CHARLES ENGLE,  
and TABITHA JOSIAH ENGLE, Minors.

DEPARTMENT OF HUMAN SERVICES,  
Petitioner-Appellant,

v

IRENE LENORA ENGLE,  
Respondent-Appellee.

SC: 134801  
COA: 275064  
Oakland CC  
Family Division: 05-713431-NA

On order of the Court, the application for leave to appeal the August 9, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals, and we REINSTATE the November 21, 2006 opinion, and November 27, 2006 order of the Oakland Circuit Court, Family Division, terminating respondent-mother's parental rights to the minor children. The Court of Appeals misapplied the clear error standard by substituting its judgment for that of the trial court, MCR 2.613(C); *In re Miller*, 433 Mich 331 (1989), failed to acknowledge that the applicable statutes and court rules do not require efforts for reunification or provision of services under the circumstances of this case, see, e.g., MCL 722.638(1)(a)(ii) and (2); MCL 712A.19a(2)(b); MCR 3.965(D)(2), and rendered a decision that was contrary to the clear and convincing evidence supporting the statutory grounds for termination and the best interests of the minor children, MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341 (2000). We REMAND this case to the Oakland Circuit Court, Family Division, for further proceedings not inconsistent with this order.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 2, 2007

*Corbin R. Davis*

Clerk